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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,017	04/26/2001	Shoji Suzuki	1081.1117	7053
21171	7590	07/27/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			SAX, STEVEN PAUL	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/842,017	SUZUKI, SHOJI	
	Examiner	Art Unit	
	Steven P. Sax	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 4/26/05.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 8 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 8 and 15-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

1. This application has been examined. The amendment filed 4/26/05 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 8 and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiota et al (6337712) and Ueda et al (6429923).

4. Regarding claim 8, Shiota et al show the data processing service system for a digital camera, including: interface means for reading photographed image data stored in a memory of the digital camera (Figures 1-2, column 2 lines 30-47, column 3 lines 45-55, column 4 lines 43-53), controller means for preserving photographed image data to a storage medium accessible by a user (column 2 lines 60-67, column 3 lines 1-5 and 55-65, column 5 lines 40-60), wherein the interface means identifies a type of digital camera by reading pre-stored information in a memory of the digital camera (column 3 lines 40-45, column 5 lines 10-39), selects a reading method corresponding to the identified type of digital camera and reads the photographed image data accordingly

(column 5 lines 30-59). Shiota et al do not specifically show that the interface is a single means which performs the identifying, selecting, and reading steps all at the single means, but do mention efficient processing of photographic image data by a user. Furthermore, Ueda et al do have a single means processing system which, at a single means interface performs steps of identifying information relating to photographic processing, selecting a processing method accordingly, and processing accordingly (Figure 8, column 2 lines 22-45, column 8 lines 25-55, column 9 lines 20-40, column 47 lines 35-60) for efficient processing of photographic image data by a user. It would have been obvious to a person with ordinary skill in the art to have the identifying, selecting, and reading steps in Shiota et al performed by a single means interface, because it would allow efficient processing of photographic image data by a user.

5. Regarding claim 15, in addition to that mentioned for claim 8, Shiota et al read ID data to determine the reading data (column 5 lines 10-39).

6. Regarding claim 16, in addition to that mentioned for claim 15, Shiota et al do not specifically show that the ID data is used to determine whether a transfer service is to be charged for preserving data, wherein it is charged when ID data does not match an ID corresponding to the digital camera, but do mention using ID data for proper processing of photographic image data. Furthermore, Ueda et al show using ID data at the store to determine whether a transfer service is to be charged, based on matching characteristics (column 2 lines 40-63, column 12 lines 20-53) for proper processing of

photographic image data. It would have been obvious to a person with ordinary skill in the art to have ID data used in Shiota et al to determine whether a transfer service is to be charged for preserving data, wherein it is charged when ID data does not match an ID corresponding to the digital camera, for proper processing of photographic image data.

7. Regarding claim 17, in addition to that mentioned for claim 16, the type of digital camera is identified (Shiota et al column 5 lines 10-39). Thus the ID data relates to the type of digital camera, and this is what is compared to determine if there is a charge.

8. Claim 18 shows the same features as claim 15 and is rejected for the same reasons.

9. Regarding claim 19, in addition to that mentioned for claim 18, Shiota et al do not specifically show that the ID data is used to determine whether a transfer service is to be charged for preserving data, but do mention using ID data for proper processing of photographic image data. Furthermore, Ueda et al show using ID data at the store to determine whether a transfer service is to be charged, based on matching characteristics (column 2 lines 40-63, column 12 lines 20-53) for proper processing of photographic image data. It would have been obvious to a person with ordinary skill in the art to have ID data used in Shiota et al to determine whether a transfer service is to be charged for preserving data, for proper processing of photographic image data.

10. Regarding claim 20, in addition to that mentioned for claim 19, the type of digital camera is identified (Shiota et al column 5 lines 10-39). Thus the ID data relates to the type of digital camera, and this is what is compared to determine if there is a charge.

11. Claim 21 shows the same features as claim 8 and is rejected for the same reasons.

12. Applicant's arguments filed have been fully considered but they are not persuasive. Applicant first briefly summarizes the independent claims 8, 15, 18, 19, 21. Note that dependent claim 2 is cancelled. Applicant discusses the feature of the interface being a single means. Note that Ueda et al do show the single means interface capability. Even though plural cards can be used, nevertheless a single interface is capable of doing the selecting, identifying, and processing steps. This feature capability is for efficient processing of photographic image data by a user, which is the motivation that Shiota et al show. Thus this feature would be obvious in Shiota et al for efficient processing of photographic image data, and the combination is valid. Applicant then briefly summarizes claims 16-17 and discusses the feature of determining the transfer service. Note that Ueda et al do show matching characteristics to determine a fee or not. As to the details applicant mentions regarding doing the transfer service for free, note that this recitation is not specifically mentioned in the claims, but merely that the matching of an ID determines whether there is a charge or

not. This matching of some identification characteristic to determine a fee is done in Ueda et al, and the obviousness to combine into Shiota et al is for proper processing of photographic image data.

13. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



STEVEN SAX
PRIMARY EXAMINER